

EDUCATION

COMMISSIONER OF EDUCATION

Elements of High Quality Preschool Programs

Proposed Readoption: N.J.A.C. 6A:13A

Authorized By: David C. Hespe, Commissioner, Department of Education.

Authority: P.L. 2007, c. 260.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2016-177.

Submit written comments by January 6, 2017, to:

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The agency proposal follows:

Summary

The Department of Education (Department) proposes to readopt N.J.A.C. 6A:13A, Elements of High Quality Preschool Programs, to continue implementation of high quality preschool programs for eligible, at-risk three- and four-year-old children in the State, pursuant to P.L. 2007, c. 260. Pursuant to N.J.S.A. 52:14B-5.1, the current rules are scheduled to expire on October 8, 2016. As the Department submitted this notice of proposal to the Office of Adminis-

trative Law prior to that date the expiration date is extended 180 days to April 6, 2017, pursuant to N.J.S.A. 52:14B-5.1.c(2).

P.L. 2007, c. 260, the School Funding Reform Act (SFRA) authorized promulgation of initial rules by special adoption and provided for promulgation of subsequent rules by the Commissioner of Education in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. The chapter initially was adopted as special new rules effective June 13, 2008. The chapter subsequently was readopted, effective October 8, 2009, with amendments.

The rules proposed for readoption will ensure that State-funded preschool programs in school districts, including programs offered by contracted private providers and local Head Start agencies, include the elements essential for the implementation of a high quality preschool program.

The Department intends to propose amendments to the chapter early next year based on input from a stakeholder group that currently is meeting. Some of the proposed amendments will touch upon the qualities of a high quality preschool program, including, but not limited to, staff roles and responsibilities, transition, and preschool intervention and referral, as well as others recommended by the stakeholder group.

The following summarizes the content of each subchapter:

Subchapter 1. General Provisions for a High Quality Preschool Program

N.J.A.C. 6A:13A-1.1 Purpose and applicability of rules

This section sets forth the purpose and applicability of the chapter.

N.J.A.C. 6A:13A-1.2 Definitions

This section defines the terms used throughout this chapter.

Subchapter 2. Eligibility, Enrollment and the Universe

N.J.A.C. 6A:13A-2.1 Eligibility

This section sets forth requirements for school districts required to provide universal preschool by 2013-2014 and for school districts required to offer targeted preschool by 2013-2014. The section also requires school districts that received preschool expansion aid or education opportunity aid in the 2007-2008 school year, and were required to provide universal preschool, to provide free access to full-day preschool for all three- and four-year old children.

N.J.A.C. 6A:13A-2.2 Enrollment

This section requires the district board of education to obtain enrollment information for every child's preschool application in a Department-provided format.

N.J.A.C. 6A:13A-2.3 Universe

This section describes the Department's methodology for determining the universe of eligible three- and four-year-old children in each school district. The section also requires each school district to document the strategies used to serve at least 90 percent of its universe of eligible three- and four-year-old children. The section also requires school districts to obtain Commissioner approval to use any preschool education aid carry over funds for the school district's preschool program in the subsequent school year and to include justification for any expenditure of funds contrary to that approved by the Department in the school district's five-year plan and/or annual update.

Subchapter 3. Program Planning

N.J.A.C. 6A:13A-3.1 Program planning

This section sets forth the programmatic requirements for various categories of school districts receiving preschool education aid. The section also details the circumstances under which school districts were required to implement preschool expansion.

Subchapter 4. Program Staffing

N.J.A.C. 6A:13A-4.1 Administrative oversight

This section sets forth the role and responsibilities of in-district preschool administrators and supervisors of preschool programs. The section also requires a dedicated in-district early childhood supervisor at a ratio of one for every 750 enrolled preschool children minus students enrolled in school district stand-alone early childhood education buildings. The section further allows the early childhood supervisor position, if approved by the Department in the school district's five-year preschool program plan, to be contracted for through a county or regional educational services commission.

N.J.A.C. 6A:13A-4.2 Master teachers

This section sets forth the coaching role and responsibilities of the preschool master teacher position. The section requires school districts opting to contract with a county or regional educational services commission for master teacher services to secure Department approval in the school district's five-year preschool program plan and/or annual update. The section also requires the master teacher to have three to five years of experience teaching in general education preschool programs.

N.J.A.C. 6A:13A-4.3 Instructional staff

This section requires preschool classes to be no more than 15 students. The section also requires district boards of education to ensure one appropriately certified teacher and one appropriately qualified teacher assistant are provided for every preschool class of 15 children.

N.J.A.C. 6A:13A-4.4 Intervention and support services

This section sets forth the role and responsibilities of the preschool intervention and referral team.

N.J.A.C. 6A:13A-4.5 Health and nutrition

This section sets forth the roles and responsibilities for nurses serving enrolled preschoolers.

N.J.A.C. 6A:13A-4.6 Family and community involvement

This section describes the coordinated system of social services provided to families of enrolled preschool children. The section also establishes the minimum educational requirements for the social worker function and requires one social worker for every 250 to 300 preschool children enrolled at in-district settings. The section also establishes the minimum educational requirements for the preschool community and parent involvement specialist to include a bachelor's degree in social work or a related field, such as sociology, psychology, or education. The section also requires school districts with fewer than 750 enrolled preschool children that seek to combine the preschool community and parent involvement specialist position with another position to include the proposal in the five-year preschool program plan and/or annual updates, as required and approved by the Department.

N.J.A.C. 6A:13A-4.7 District board of education fiscal accountability and integrity of preschool programs

This section describes the requirements for fiscal accountability and integrity for each school district's preschool program.

Subchapter 5. Curriculum and Assessment

N.J.A.C. 6A:13A-5.1 Curriculum

This section sets forth the requirements for district boards of education in implementing a comprehensive preschool curriculum that is supported by research, aligned with the Preschool Standards, and linked to the NJSLS. The section also requires the school district's choice of cur-

ricula to be approved by the Department as part of the five-year preschool program plan and/or annual update.

N.J.A.C. 6A:13A-5.2 Assessment

This section describes the purposes of assessment and requires district boards of education to ensure assessment will occur on an ongoing basis.

N.J.A.C. 6A:13A-5.3 Screening

This section requires district boards of education to implement, and to utilize for appropriate purposes, a developmentally based early childhood screening assessment.

N.J.A.C. 6A:13A-5.4 Ongoing performance-based assessment of children

This section sets forth requirements for preschool classroom teachers in implementing ongoing performance-based assessments of children.

N.J.A.C. 6A:13A-5.5 Classroom quality assessment

This section describes requirements for the school district's use of a reliable classroom quality assessment instrument, as approved by the Department in the school district's five-year preschool program plan, to assess program quality in each in-district, private provider, and Head Start agency preschool classroom.

Subchapter 6. Transition

N.J.A.C. 6A:13A-6.1 Transition

This section requires each district board of education to develop and articulate in its five-year preschool program plan, a process for transition from program entry to kindergarten through grade three. The section also requires the district board of education to include transition initiatives from program entry to kindergarten through grade three in the required five-year preschool program plan and/or annual update required and approved by the Department.

Subchapter 7. Facilities

N.J.A.C. 6A:13A-7.1 Space requirements

This section describes the space requirements for contracted private provider and local Head Start agency preschool classrooms, playground, and playground equipment. The section also requires school districts to engage in systematic, long-range facilities planning to ensure adequate facilities exist in the community to meet the elements of high quality preschool established under this chapter.

Subchapter 8. Program Evaluation

N.J.A.C. 6A:13A-8.1 Self assessment and validation

This section requires each school district to engage a self assessment and validation system relative to their preschool program to inform the school district of the status of its preschool program.

Subchapter 9. School District Contracts With Private Providers and Local Head Start Agencies For Providing Preschool Services

N.J.A.C. 6A:13A-9.1 Contract

This section describes the process by which school districts contract with private providers and local Head Start agencies. The section also establishes the criteria each private provider and local Head Start agency must adhere to when contracting with the district board of education. The section also requires each private provider and/or local Head Start agency to meet a minimum acceptable score on a reliable classroom quality assessment instrument that is established by the district board of education in their preschool program contract to determine the eligibility of the private provider and/or the local Head Start agency to continue to contract with the school district.

N.J.A.C. 6A:13A-9.2 Informal dispute resolution process

This section describes the options available to the district board of education and private provider or local Head Start agency when engaged in a local dispute.

N.J.A.C. 6A:13A-9.3 Renewal or non-renewal of a preschool program contract

This section sets forth the protocol for the district board of education and the private provider or local Head Start agency to follow for renewal and non-renewal of a preschool program contract. The section requires the school district to notify the Department of Education, Division of Early Childhood Education and the Department of Children and Families, Office of Licensing in writing on or before May 1 of each contract year of its intention to not renew a preschool program contract for an additional one-year term. The section also requires any school district notification of non-renewal to follow the protocol established by the Division of Early Childhood Education and to detail justifiable reasons for non-renewal. The section further requires the school district to notify and receive approval from the Department prior to changing the configuration of how preschool children are served within the school district's mixed delivery system.

N.J.A.C. 6A:13A-9.4 Termination of a preschool program contract

This section sets forth the rules regarding the school district's termination of a private provider or local Head Start agency preschool program contract. The section requires the school district to include a timeframe for compliance in any written notice of deficiency to a private provider or local Head Start agency that fails to comply with all terms of the preschool program contract or applicable Federal, State, or local requirements.

Subchapter 10. Fiscal Oversight

N.J.A.C. 6A:13A-10.1 School district fiscal responsibilities

This section sets forth the district board of education's fiduciary responsibilities regarding high-quality preschool programs established under this chapter.

N.J.A.C. 6A:13A-10.2 Private provider and local Head Start agency fiscal responsibilities

This section sets forth the fiduciary responsibilities of a private provider or local Head Start agency contracting with a school district.

Subchapter 11. Appeals

N.J.A.C. 6A:13A-11.1 Preschool program appeals

This section sets forth the process for school districts to appeal Department decisions of preschool program plans and budget applications.

N.J.A.C. 6A:13A-11.2 Review of pleadings

This section sets forth the options and the process that the Commissioner may use to address appeals.

N.J.A.C. 6A:13A-11.3 Commissioner review and decision

This section sets forth the process for the Commissioner's review and decision of appeals.

As the Department has provided a 60-day comment period on this notice of proposal, the notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The rules proposed for readoption are intended to contribute to closing the achievement gap for at-risk three- and four-year-old students by providing high quality preschool programs. The rules proposed for readoption ensure high quality preschool programs will be offered by school districts to three- and four-year old at-risk students in New Jersey.

The preschool program has been found to be highly effective. A comparison of children who attended and did not attend the program demonstrated significant benefits for program par-

ticipants, including a statistically significant reduction in grade retention and special education rates, and a significant advantage in fifth grade, with children who went to preschool three quarters of a year ahead of children who did not go.*

(*Abbott Preschool Program Longitudinal Effects Study: Fifth Grade Follow Up, National Institute of Early Education Research, March 2013.)

Economic Impact

The rules proposed for readoption are designed to ensure school districts implement preschool programs of high quality in a cost-effective and efficient manner. The rules proposed for readoption describe research-based program, staffing, curriculum, and assessment requirements designed to ensure every child is prepared for success in kindergarten through grade 12 and beyond.

By supporting development when children are very young, early childhood development and education programs can complement parental investments and produce large benefits to children, parents, and society. The existing research suggests expanding early learning initiatives provides benefits to society of roughly \$8.60 for every \$1.00 spent, about half of which comes from increased earnings for children when they grow up.

Federal Standards Statement

With the exception of one rule, there are no Federal standards or requirements that have an impact on the rules proposed for readoption. Schools and/or school districts receiving Title 1 funds must follow the applicable rules established through the Every Student Succeeds Act of 2015, for paraprofessionals. The rule at N.J.A.C. 6A:13A-4.3(f) meets but does not exceed the Federal mandate.

Jobs Impact

The Department anticipates no job generation or loss as a result of the rules proposed for readoption.

Agriculture Industry Impact

The rules proposed for readoption will have no impact on the agriculture industry.

Regulatory Flexibility Statement

The rules proposed for readoption do not impose reporting, recordkeeping, or other compliance requirements on small businesses as defined by N.J.S.A. 52:14B-16 et seq., the Regulatory Flexibility Act. The rules impact New Jersey public school districts. School districts may voluntarily contract with private providers and local Head Start agencies to provide preschool programs.

Housing Affordability Impact Analysis

The rules proposed for readoption will have an insignificant impact on the affordability of housing in New Jersey. There is an extreme unlikelihood the rules proposed for readoption would evoke a change in the average costs associated with housing in the State, as the rules set forth practices for high quality preschool programs for eligible, at-risk three- and four-year-old children.

Smart Growth Development Impact Analysis

The rules proposed for readoption will have an insignificant impact on smart growth. There is an extreme unlikelihood the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan because the rules proposed for readoption set forth practices for high quality preschool programs for eligible, at-risk three- and four-year-old children in the State and address the unique needs of at-risk students in high-poverty and high-need school districts.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 6A:13A.